

statement.

Descriptively, Bredesen states that “peripherals would be used for plotting cardiac waveforms, or storage of the waveform data base memory”. Applicant previously explained that Bredesen’s invention includes a port for the transfer of measurement data. This is clearly the language of Bredesen. How does Examiner read into this statement the use of the data port for software or programs? Examiner cannot merely assert that this use is disclosed in the prior art without support from the prior art.

Referring to the drawings, Figures 2, 3A, and 3B of Bredesen clearly show the memory technology disclosed and intended in Bredesen. In these drawings, it is absolutely clear that the memory technology does not, and cannot, support the writing of software of executable program code into the memory such that software could be written and executed. IF Examiner is correct, how does Examiner explain how data from the data port would then be stored as software i.e. such that the stored data could be executed by the processor? Examiner cannot support this, since it is unsupported by the description or the drawings.

Bredesen therefore does not suggest in any way, the use of the data port for downloading software, and the drawings and description disclose that it is technically impossible, using Bredesen’s invention, to achieve the downloading and storage of software or program code. There is simply no means, suggestion, or technical possibility for software downloading into Bredesen’s invention.

Applicant further finds no reference from the prior art for downloading of software into a stethoscope. Examiner states that the “motivation is from secondary reference” yet fails to elaborate or provide persuasive argument. The statement is therefore unsupported and is merely an assertion.

Applicant requests a meeting with Examiner, in order to clarify the arguments, and develop a further understanding of potential differences in interpretation. It is felt that a meeting would be the most efficient process by which to resolve any misunderstandings.

If the Examiner has any questions, he is invited to contact the undersigned at (818)710-2788.

Please acknowledge receipt hereof by stamping and returning the enclosed return postcard.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on December 4, 2006.



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